



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 1, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO INTERGOVERNMENTAL AGREEMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the ordinance governing intergovernmental relations, with the intention of allowing city departments to utilize facilities owned by other government entities for the purpose of holding public meetings or hearings.

SECTION 2. Section 1.8-2, Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (a) and adding a new subsection (d) to read as follows:

"Sec. 1-8.2 Intergovernmental relations—Effects of.

- (a) Except for those exempted under subsections (b), ~~or~~ (c), or (d), any intergovernmental agreement, or any amendments thereto, which place an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. The final or draft version of the agreement shall be provided to the council for its review prior to the council's approval. In the event a draft agreement is provided, if a material change is made to the draft agreement after council approval, such change shall require additional council review and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement on behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

When carrying out the provisions of any intergovernmental agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.

- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all



A BILL FOR AN ORDINANCE

intergovernmental agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:

- (1) Department of emergency services;
- (2) Honolulu fire department;
- (3) Department of emergency management;
- (4) Department of the medical examiner;
- (5) Honolulu police department; and
- (6) Department of the prosecuting attorney.

The intergovernmental agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted.

- (c) In lieu of the requirements of subsection (a), an intergovernmental agreement that, according to written certification by the mayor or the mayor's designee, will not be executed until approved, does not require the expenditure of city funds, and for which the city has not already accepted funds, shall be deemed approved 15 days after being filed with the city clerk and distributed to all members of the city council, unless a councilmember files a written objection with the city clerk prior to the 15th day. An intergovernmental agreement that has been objected to shall not be eligible for approval under this subsection.

The agreement or the submittal to the city clerk shall identify the city official to be authorized to execute the agreement. Approval of the intergovernmental agreement shall authorize the designated city official to execute the agreement in substantially the form filed, as well as any related agreements and amendments that also do not require the expenditure of city funds and shall authorize the designated city official to receive and expend funds provided pursuant to the agreement.

An annual report shall be submitted by the managing director or the managing director's designee to the council by September 30 detailing all intergovernmental agreements that have been deemed approved under this subsection and executed or utilized during the previous fiscal year.

- (d) Intergovernmental agreements for the rental of a facility for the purpose of holding a public meeting or a public hearing shall be exempted from the requirements of this section."



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 11-2

BILL 59 (2010), CD1

A BILL FOR AN ORDINANCE

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


Nestor Garcia (BR)

DATE OF INTRODUCTION:

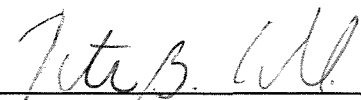
November 16, 2010
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

APPROVED this 11th day of March, 2011.


PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 11-2

BILL 59 (2010), CD1

Introduced: 11/16/10 By: NESTOR GARCIA (BR)

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 1, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED RELATING TO INTERGOVERNMENTAL AGREEMENTS.

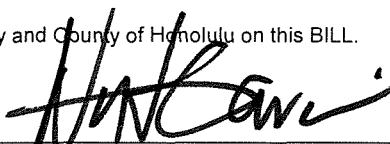
Links: [BILL 59 \(2010\)](#)
[BILL 59 \(2010\), CD1](#)
[CR-380 \(2010\)](#)
[CR-29 \(2011\)](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	11/22/10	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.			
ANDERSON	Y	CACHOLA	Y	DONOHUE	Y
MATSUURA	Y	OKINO	Y	TAM	Y
EXECUTIVE MATTERS AND LEGAL AFFAIRS	12/01/10	CR-380 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.			
		NOTE: COUNCILMEMBERS CHANG, GABBARD TAMAYO, HARIMOTO AND MARTIN TOOK OFFICE ON SUNDAY, JANUARY 2, 2011.			
PUBLISH	01/15/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.			
		NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19, 2011 FILLING THE VACANCY FOR DISTRICT I.			
COUNCIL/PUBLIC HEARING	01/26/11	CR-380(10) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.			
ANDERSON	Y	BERG	Y	CACHOLA	A
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y
CHANG	Y	GABBARD TAMAYO	Y	MARTIN	Y
PUBLISH	02/02/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.			
EXECUTIVE MATTERS AND LEGAL AFFAIRS	02/07/11	CR-29(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.			
COUNCIL	02/23/11	CR-29(11) ADOPTED AND BILL 59 (2010), CD1 PASSED THIRD READING.			
ANDERSON	Y	BERG	Y	CACHOLA	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y
CHANG	Y	GABBARD TAMAYO	Y	MARTIN	Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER